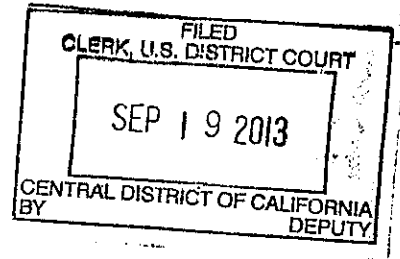


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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**MIGUEL MENDOZA,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

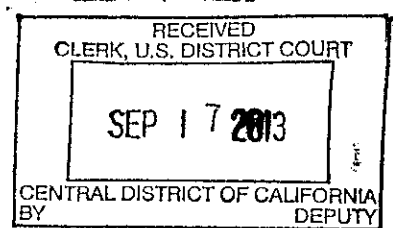
**AD ASTRA RECOVERY
SERVICES, INC.,**

Defendant.

CV 13-6922 CAS (JLGx)

**CLASS ACTION COMPLAINT FOR
DAMAGES**

JURY TRIAL DEMANDED



///

1 1. MIGUEL MENDOZA (“Plaintiff”) brings this Class Action
2 Complaint for damages, injunctive relief, and any other available legal or
3 equitable remedies, resulting from the illegal actions of AD ASTRA
4 RECOVERY SERVICES, INC. (“Defendant”), in negligently and/or willfully
5 contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone
6 Consumer Protection Act, 47 U.S.C. § 227 et seq., (“TCPA”), thereby invading
7 Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to
8 himself and his own acts and experiences, and, as to all other matters, upon
9 information and belief, including investigation conducted by his attorneys.
10

11 2. The TCPA was designed to prevent calls and text messages like the
12 ones described herein, and to protect the privacy of citizens like Plaintiff.
13 “Voluminous consumer complaints about abuses of telephone technology – for
14 example, computerized calls dispatched to private homes – prompted Congress to
15 pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

16 3. In enacting the TCPA, Congress intended to give consumers a choice
17 as to how corporate similar entities may contact them, and made specific findings
18 that “[t]echnologies that might allow consumers to avoid receiving such calls are
19 not universally available, are costly, are unlikely to be enforced, or place an
20 inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. In
21 support of this, Congress found that

22 [b]anning such automated or prerecorded telephone
23 calls to the home, except when the receiving party
24 consents to receiving the call or when such calls are
25 necessary in an emergency situation affecting the health
26 and safety of the consumer, is the only effective means
27 of protecting telephone consumers from this nuisance
28 and privacy invasion.

1 Id. at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*, 2012 WL
 2 3292838, at* 4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings on
 3 TCPA's purpose).
 4

5 4. Congress also specifically found that "the evidence presented to the
 6 Congress indicates that automated or prerecorded calls are a nuisance and an
 7 invasion of privacy, regardless of the type of call...." Id. at §§ 12-13. See also,
 8 *Mims*, 132 S. Ct. at 744.
 9

10 5. As Judge Easterbrook of the Seventh Circuit recently explained in a
 11 TCPA case regarding calls to a non-debtor similar to this one:
 12

13 The Telephone Consumer Protection Act ... is well
 14 known for its provisions limiting junk-fax
 15 transmissions. A less-litigated part of the Act curtails
 16 the use of automated dialers and prerecorded messages
 17 to cell phones, whose subscribers often are billed by the
 18 minute as soon as the call is answered—and routing a
 19 call to voicemail counts as answering the call. An
 20 automated call to a landline phone can be an
 21 annoyance; an automated call to a cell phone adds
 22 expense to annoyance.

23 *Soppet v. Enhanced Recovery Co., LLC*, 679 F.3d 637, 638 (7th Cir. 2012).
 24

25 JURISDICTION AND VENUE

26 6. This Court has federal question jurisdiction because this case arises
 27 out of violations of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs.,*
 28 *LLC*, 132 S. Ct. 740 (2012).

7. Venue is proper in the United States District Court for the Central
 District of California pursuant to 18 U.S.C. § 1391(b) and 1441(a) because

1 Defendant is subject to personal jurisdiction in the County of Los Angeles, State
2 of California.

3 **PARTIES**

4 8. Plaintiff is, and at all times mentioned herein was, a citizen and
5 resident of the State of California. Plaintiff is, and at all times mentioned herein
6 was, a “person” as defined by 47 U.S.C. § 153 (10).

7 9. Plaintiff is informed and believes, and thereon alleges, that
8 Defendant is, and at all times mentioned herein was, a corporation whose State of
9 Incorporation and principal place of business is in the State of Kansas.
10 Defendant, is and at all times mentioned herein was, a corporation and is a
11 “person,” as defined by 47 U.S.C. § 153 (10). Plaintiff alleges that at all times
12 relevant herein Defendant conducted business in the State of California and in the
13 County of Los Angeles, and within this judicial district.

14 **FACTUAL ALLEGATIONS**

15 10. At all times relevant, Plaintiff was a citizen of the State of California.
16 Plaintiff is, and at all times mentioned herein was, a “person” as defined by 47
17 U.S.C. § 153 (10).

18 11. Defendant is, and at all times mentioned herein was, a corporation
19 and a “person,” as defined by 47 U.S.C. § 153 (10).

20 12. At all times relevant Defendant conducted business in the State of
21 California and in the County of Los Angeles, within this judicial district.

22 13. Beginning sometime on or around February of 2012, Defendant
23 began to utilize Plaintiff’s cellular telephone number, ending in 6782, in an
24 attempt to collect an alleged debt stemming from a past short term payday loan
25 obtained for personal use.

26 14. On numerous occasions, when Plaintiff did not answer Defendant’s
27 call, Defendant left Plaintiff a voicemail message on his cellular telephone which
28

1 utilized a pre-recorded or artificial voice requesting a return call to discuss and/or
2 resolve the alleged outstanding debt.

3 15. From February 2012 to present, Defendant has left at least twenty-
4 four (24) voicemail messages on Plaintiff's cellular telephone which utilized a
5 pre-recorded or artificial voice.

6 16. On several occasions, Plaintiff answered Defendant's call and
7 demanded that Defendant cease placing all calls to his cellular telephone. Despite
8 this, Defendant's calls persisted.

9 17. The calls Defendant placed to Plaintiff's cellular telephone were
10 placed via an "automatic telephone dialing system," ("ATDS") as defined by 47
11 U.S.C. § 227 (a)(1) as prohibited by 47 U.S.C. § 227 (b)(1)(A).

12 18. This ATDS has the capacity to store or produce telephone numbers
13 to be dialed, using a random or sequential number generator.

14 19. The telephone number that Defendant, or its agents, called was
15 assigned to a cellular telephone service for which Plaintiff incurs a charge for
16 incoming calls pursuant to 47 U.S.C. § 227 (b)(1).

17 20. These telephone calls constituted calls that were not for emergency
18 purposes as defined by 47 U.S.C. § 227 (b)(1)(A)(i).

19 21. As Plaintiff had demanded that Defendant cease placing any calls to
20 his cellular telephone number on numerous occasions, Defendant's calls were
21 placed without Plaintiff's prior express consent pursuant to 47 U.S.C. § 227
22 (b)(1)(A).

23 24. These telephone calls by Defendant, or its agents, violated 47 U.S.C.
24 § 227(b)(1).

CLASS ACTION ALLEGATIONS

23. Plaintiff brings this action on behalf of himself and on behalf of and all others similarly situated ("the Class").

24. Plaintiff represents, and is a member of, the Class, consisting of All persons within the United States who received any telephone call/s from Defendant or its agent/s and/or employee/s to said person's cellular telephone made through the use of any automatic telephone dialing system and/or an artificial or pre-recorded voice and such person had not previously consented to receiving such calls within the four years prior to the filing of this Complaint.

25. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the number of members in the Class, but believes the Class members number in the thousands, if not more. Thus, this matter should be certified as a Class action to assist in the expeditious litigation of this matter.

26. Plaintiff and members of the Class were harmed by the acts of Defendant in at least the following ways: Defendant, either directly or through its agents, illegally contacted Plaintiff and the Class members via their cellular telephones, thereby causing Plaintiff and the Class members to incur certain cellular telephone charges or reduce cellular telephone time for which Plaintiff and the Class members previously paid, and invading the privacy of said Plaintiff and the Class members. Plaintiff and the Class members were damaged thereby.

27. This suit seeks only damages and injunctive relief for recovery of economic injury on behalf of the Class, and it expressly is not intended to request any recovery for personal injury and claims related thereto. Plaintiff reserves the right to expand the Class definition to seek recovery on behalf of additional persons as warranted as facts are learned in further investigation and discovery.

28. The joinder of the Class members is impractical and the disposition of their claims in the Class action will provide substantial benefits both to the

1 parties and to the court. The Class can be identified through Defendant's records
2 or Defendant's agents' records.

3 29. There is a well-defined community of interest in the questions of law
4 and fact involved affecting the parties to be represented. The questions of law
5 and fact to the Class predominate over questions which may affect individual
6 Class members, including the following:

- 7 a) Whether, within the four years prior to the filing of this Complaint,
8 Defendant or its agents placed any calls to the Class (other than a
9 call made for emergency purposes or made with the prior express
10 consent of the called party) to a Class member using any automatic
11 dialing system and/or a prerecorded or artificial voice to any
12 telephone number assigned to a cellular phone service;
- 13 b) Whether Plaintiff and the Class members were damaged thereby, and
14 the extent of damages for such violation; and
- 15 c) Whether Defendant and its agents should be enjoined from engaging
16 in such conduct in the future.

17
18 30. As a person that received numerous calls from Defendant via an
19 automated telephone dialing system and/or an artificial or pre-recorded voice
20 without Plaintiff's prior express consent, Plaintiff is asserting claims that are
21 typical of the Class. Plaintiff will fairly and adequately represent and protect the
22 interests of the Class in that Plaintiff has no interests antagonistic to any member
23 of the Class.

24 31. Plaintiff and the members of the Class have all suffered irreparable
25 harm as a result of the Defendant's unlawful and wrongful conduct. Absent a
26 class action, the Class will continue to face the potential for irreparable harm. In
27 addition, these violations of law will be allowed to proceed without remedy and
28 Defendant will likely continue such illegal conduct. Because of the size of the

1 individual Class member's claims, few, if any, Class members could afford to
2 seek legal redress for the wrongs complained of herein.

3 32. Plaintiff has retained counsel experienced in handling class action
4 claims and claims involving violations of the Telephone Consumer Protection
5 Act.

6 33. A class action is a superior method for the fair and efficient
7 adjudication of this controversy. Class-wide damages are essential to induce
8 Defendant to comply with federal law. The interest of Class members in
9 individually controlling the prosecution of separate claims against Defendant is
10 small because the maximum statutory damages in an individual action for
11 violation of privacy are minimal. Management of these claims is likely to present
12 significantly fewer difficulties than those presented in many class claims.

13 34. Defendant has acted on grounds generally applicable to the Class,
14 thereby making appropriate final injunctive relief and corresponding declaratory
15 relief with respect to the Class as a whole.
16

17 **FIRST CAUSE OF ACTION**
18 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER**
19 **PROTECTION ACT**
20 **47 U.S.C. § 227 ET SEQ.**

21 35. Plaintiff incorporates by reference all of the above paragraphs of this
22 Complaint as though fully stated herein.

23 36. The foregoing acts and omissions of Defendant constitute numerous
24 and multiple negligent violations of the TCPA, including but not limited to each
25 and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

26 37. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et
27 seq, Plaintiff and The Class are entitled to an award of \$500.00 in statutory
28 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

1 38. Plaintiff and the Class are also entitled to and seek injunctive relief
2 prohibiting such conduct in the future.

3
4 **SECOND CAUSE OF ACTION**
5 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE**
6 **TELEPHONE CONSUMER PROTECTION ACT**
7 **47 U.S.C. § 227 ET SEQ.**

8 39. Plaintiff incorporates by reference all of the above paragraphs of this
9 Complaint as though fully stated herein.

10 40. The foregoing acts and omissions of Defendant constitute numerous
11 and multiple knowing and/or willful violations of the TCPA, including but not
12 limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et
13 seq.

14 41. As a result of Defendant's knowing and/or willful violations of 47
15 U.S.C. § 227 et seq, Plaintiff and The Class are entitled to an award of \$1,500.00
16 in statutory damages, for each and every violation, pursuant to 47 U.S.C. §
17 227(b)(3)(C).

18 42. Plaintiff and the Class are also entitled to and seek injunctive relief
19 prohibiting such conduct in the future.

20 **PRAYER FOR RELIEF**

21 Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The
22 Class members the following relief against Defendant:

23 **FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATIONS OF THE**
24 **TCPA, 47 U.S.C. § 227 ET SEQ.**

25 43. As a result of Defendant's negligent violations of 47 U.S.C. §
26 227(b)(1), Plaintiff seeks for himself and each Class member \$500.00 in statutory
27 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

28 44. Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting
such conduct in the future.

1 45. Any other relief the Court may deem just and proper.

2
3 **SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL**
4 **VIOLATIONS OF THE TCPA, 47 U.S.C. § 227 ET SEQ.**

5 46. As a result of Defendant's knowing and/or willful violations of 47
6 U.S.C. § 227(b)(1), Plaintiff seeks for himself and each Class member \$1,500.00
7 in statutory damages, for each and every violation, pursuant to 47 U.S.C. §
8 227(b)(3)(C).

9 47. Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting
10 such conduct in the future.

11 48. Any other relief the Court may deem just and proper.

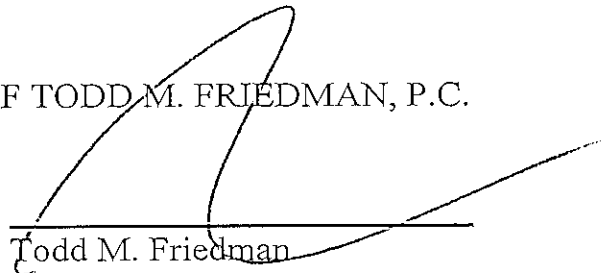
12 **TRIAL BY JURY**

13 49. Pursuant to the seventh amendment to the Constitution of the United
14 States of America, Plaintiffs are entitled to, and demand, a trial by jury.

15
16
17 Respectfully submitted this 16th day of September, 2013.

18
19
20 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

21
22 By:

23 
24 Todd M. Friedman
25 Law Offices of Todd M. Friedman
26 Attorney for Plaintiff
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Christina A. Snyder and the assigned Magistrate Judge is Jay C. Gandhi.

The case number on all documents filed with the Court should read as follows:

2:13CV6922 CAS JCGx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 19, 2013

Date

By J. Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Todd M. Friedman, Esq.
 Law Offices of Todd M. Friedman, P.C.
 369 S. Doheny Dr., #415
 Beverly Hills, CA 90211
 Phone: 877-206-4741
 Fax: 866-633-0228

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

MIGUEL MENDOZA, INDIVIDUALLY AND ON
 BEHALF OF ALL OTHERS SIMILARLY
 SITUATED

PLAINTIFF(S)

v.

AD ASTRA RECOVERY SERVICES, INC.

DEFENDANT(S).

CASE NUMBER

CV 13-6922 CA (JLGx)

SUMMONS

TO: DEFENDANT(S): AD ASTRA RECOVERY SERVICES, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Todd M. Friedman, whose address is Law Offices of Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 19 2013

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
MIGUEL MENDOZA, INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED

DEFENDANTS
AD ASTRA RECOVERY SERVICES, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Todd M. Friedman, Esq, Law Offices of Todd M. Friedman, P.C.
369 S. Doheny Dr., #415, Beverly Hills, CA 90211

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No ☒ MONEY DEMANDED IN COMPLAINT: \$ 5,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
47 U.S.C. 227, et seq., Telephone Consumer Protection Act ("TCPA")

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV13-6922

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Kansas

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date September 16, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))